IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 20104 of 2004(R)

PETITIONERS:

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1. BHASKARAN, S/O.NARAYANAN, PADANNA PARAMBIL, PONJIKKARA, MULAVUKAD, KANAYANNUR TALUK, ERNAKULAM.

2. JYNESWARAN, S/O.VASU, PALLATHU PARAMBIL, PONJIKKARA, MULAVUKAD, ERNAKULAM.

3. PHILO, W/O.VAVACHAN, KUTTANKAL, PONNARIMANGALAM, MULAVUKAD, ERNAKULAM.

4. ANILA SOMAN, S/O.SOMAN, THUNDIPARAMBIL, PONNARIMANGALAM, MULAVUKAD.

5. RAVEENDRAN, S/O.KUNJAN, CHAKIATHARA, NIKARTHIL, PONNARIMANGALAM, MULAVUKADU.

6. RAJEEVAN, KANNOTH HOUSE, PONNARIMANGALAM, MULAVUKADU.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS:

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1. MULAVUKADU PANCHAYATH, REP. BY ITS SECRETARY, MULAVUKAD, ERNAKULAM.

2. THE STATE OF KERALA, REP. BY THE SECRETARY, LOCAL ADMINISTRATION DEPARTMENT, THIRUVANANTHAPURAM.

3. UNION OF INDIA, REP. BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT AND FORESTRY,
PARYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD,
NEW DELHI.

ADDL. 4. THE KERALA COASTAL ZONE MANAGEMENT
AUTHORITY, THIRUVANANTHAPURAM.

ADDL. 4TH RESPONDENT IMPLEADED AS PER ORDER DT. 8.12.2006 IN THE WRIT PETITION.

R3 BY ADV. SRI.SUNNY XAVIER, ACGSC
R1 BY ADV.SRI.K.G.SARATHKUMAR
R2 BY GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANSAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.20104/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 - TRUE COPY OF NOTIFICATION ISSUED BY R3 DT.15.12.90.

EXT.P2 - TRUE COPY OF FINAL NOTIFICATION DT.19.2.91.

EXT.P3 - TRUE COPY OF ORDER IN I.A.3838/03 IN WPC.18038/03 DT.11.6.03.

EXT.P4 - TRUE COPY OF INTERIM ORDER IN WPC.21746/03 DT.9.7.03

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C) No.20104 OF 2004

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DATED THIS THE 8TH DECEMBER, 2006

J U D G M E N T

Heard both sides.

2. My attention was drawn by the learned Central Government Standing Counsel for the 3rd respondent-Union of India to the fact that the judgment of this Court in **Parthan A.C. v. Nayarambalam Grama Panchayat (ILR 2006(3) Kerala 465)** covers the very same issue. The learned counsel submitted that this Court will be justified in disposing of this Writ Petition passing the same directions which have been passed by this Court in that case. On going through the judgment, I find that the said judgment takes care of Mulavukad Panchayat also, which is the 1st respondent in this case.

3. Under these circumstances, in view of the reasons stated in the judgment in **Parthan's** case (supra) and subject to the observations contained in that judgment, this Writ Petition will stand disposed of directing the Department of Science, Technology and Environment under the 2nd respondent-Government or such other appropriate authority, to take immediate steps for moving the additional 4th respondent-Kerala Coastal Zone Management Authority and request the said authority to take a decision for modification or amendment of the Coastal Zone Management Plan appropriately in

the light of the observations made in **Parthan's** case. It will be open to the additional 4th respondent-Authority to take a decision on the basis of the merits of the contentions raised by the petitioners in this case or their representatives. The additional 4th respondent shall afford sufficient opportunity to the petitioners as well as the 1st respondent before any decision is taken in the matter. The petitioners are hereby permitted to submit detailed representations raising all their claims and contentions in the matter. Representations, if any, shall be submitted by the petitioners within one month of their receiving copy of this judgment. On receiving such representations, the Department of Science, Technology and Environment will take necessary steps to place them before the additional 4th respondent-Authority within one month therefrom. Enquiries will be conducted by the Authority and a decision taken as directed in the judgment in **Parthan's** case **(ILR 2006(3) Kerala 465)**. All the directions issued by this Court in **Parthan's** case will apply to this case also and it is needless to reiterate that the observations of this Court in para.17 of the judgment in **Parthan's** case will be relevant to this case also.

The parties will suffer their respective costs.

tgl/- **(PIUS C. KURIAKOSE, JUDGE)**